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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,418	02/07/2002	Jean-Louis Gouret	219195US6	7880
22850	7590	06/28/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Hi*

# Office Action Summary

Application No.

10/067-418

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 6/4/04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 8-18, 22-24 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 9-18, 22, 23 is/are rejected.
- ☒ Claim(s) 24 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. It is suggested to amend claim 22 by deleting "has" in line 4 of the claim and inserting therefor --is shaped by includes--. Also, upon reconsideration it is believed to be desirable to delete "operator's" in line 7 of the claim.

3. Claims 9-18, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB -425. The reference is relied upon substantially as previously set forth, initially in paragraph No. 5 of Paper No. 12, as disclosing or rendering obvious the believed essentially rather simple structure set forth in claim 22, together with the following observations. More particularly, upon reconsideration the Examiner, as was communicated to applicant's representative Robert Pous during a telephone conversation on June 15, 2004, believes that although claim 22 is not patentable over GB -425 in its present condition, he believes that if dependent claim 24 (which sets forth the limitation that the groove "has a rounded bottom") were to be incorporated into claim 22 the case would essentially be in condition for allowance. Note that applicant in an earlier response dated November 28, 2003, particularly at page 10, top paragraph and also at page 8, lines 16-17 and page 9, lines 4-9 argued the patentable features of this particular limitation, in

particularly noting that there is nothing in the adhesive masking strip prior art to suggest that such a result is a result-effective parameter, which is taught only by applicant's disclosure and thus would not have been obvious to one of ordinary skill. It is further noted that the now cancelled independent claim 8 merely recited an adhesive masking strip having a rounded bottom in its cellular material, but failed to set forth the believed non-obvious property (set forth in claim 22) that the adhesive masking strip was also adapted to permit the insertion of a substantial part of an operator's finger in the groove to guide the strip during application thereof.

Accordingly, it is believed that the combination of these two limitations which would be accomplished by the incorporation of claim 24 into claim 22 would clearly make the amended claim 22, as well as the remaining dependent claims 9-18 and 23, allowable over the prior art of record.

4. Claim 24 is objected to as being dependent upon a rejected base claim.

5. The finality of the Office action dated February 9, 2004 is withdrawn in view of the above new prior art grounds of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel

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Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzirker:cdc

June 23, 2004

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP ~~1300~~  
1700

*Daniel Zirker*